

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JOANNE HARRIS, et al,

Plaintiffs

V.

JANET M. RAINEY, et al,

Defendants

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Civil Action No.: 5:13-cv-77

DEFENDANT ROBERTS' MOTION TO DISMISS

Defendant Thomas E. Roberts, by counsel, moves to dismiss this case pursuant to Rule 12(b)(1) on the grounds that the Fourth Circuit's decision in *Bostic v. Schaefer*, 760 F. 3d 352 (4th Cir. 2014), renders this case moot thereby depriving this Court of subject matter jurisdiction. For the additional reasons set forth in his memorandum in support, Defendant respectfully requests that this Court lift the stay and dismiss this case with prejudice.

THOMAS E. ROBERTS,

By Counsel

By: /s/ Rosalie Pemberton Fessier

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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2014, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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